

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW MEXICO

IN RE:

Rebekah Anne Strunk, 2804,

Debtor(s).

Case No. 7 07-10017 MA

ORDER GRANTING MOTION TO ABANDON PROPERTY LOCATED AT 4000 FOXWOOD
TRAIL, RIO RANCHO, NM

THIS MATTER having come before the Court on the Motion To Abandon Property Located at 4000 Foxwood Trail, Rio Rancho, NM, filed by the Creditor GMAC Mortgage, LLC on May 14, 2007; a Notice of Objection Deadline to GMAC Mortgage LLC's Motion to Abandon Property Located at 4000 Foxwood Trail, Rio Rancho, NM was transmitted to the Debtor(s), attorney for the Debtor(s), and Trustee on May 14, 2007; the objection deadline was June 6, 2007, and the time to file an objection to the Motion has passed, and no objection has been received from the Debtor(s), attorney for the Debtor(s), or the Trustee. The attorney for the Creditor, having certified by her signature herein, that she has complied with the Soldiers and Sailors Civil Relief Act, through receipt of a response from the Department of Defense Manpower Data Center, which states that Rebekah Anne Strunk is not a member of the military service of the United States nor her allies; and the Court having considered the Motion and finding that Creditor is entitled to an Order abandoning the property, and being otherwise advised in the premise;

IT IS, THEREFORE, THE ORDER OF THIS COURT that the property located in the County of Sandoval, State of New Mexico, and more particularly described as:

Lot numbered Eleven (11), in block numbered Two (2), Ridges at High Resort, as the same is shown and designated on the plat entitled, "RIDGES AT HIGH RESORT, A SUBDIVISION OF PARCEL 5B, A PORTION OF PARCEL 4E AND PARCEL 7, A PORTION OF UNPLATTED LANDS IN THE HIGH RESORT AND ALL OF BLOCK C IN HIGH RESORT COMMERCIAL WITH PROJECTED

SECTIONS 19 AND 20, T.12 N., R. 3 E., N.M.P.M., CITY OF RIO RANCHO, TOWN OF ALAMEDA GRANT, SANDOVAL COUNTY, NEW MEXICO," as filed in the office of the County Clerk of Sandoval County, New Mexico, on May 13, 1994, in Rio Rancho Estates Plat Book No. 7, pages 7-9, (Vol. 3, folio 1133-A), Instrument No. 40634

and having an address of 4000 Foxwood Trail SE, Rio Rancho, New Mexico, is hereby deemed abandoned, and the Creditor, its successors, assigns and/or real party in interest, and any and all junior lienholders are permitted to proceed with foreclosure action in the courts of the State of New Mexico, including the transmittal of any default letter required by the loan documents.

IT IS FURTHER THE ORDER OF THIS COURT that the failure of the Trustee to object to the Motion shall act as a disclaimer of interest in and to the real property which is the subject matter of this action, but shall not be a disclaimer to excess proceeds, if any, resulting from the foreclosure sale. The Creditor, its successors, assigns and/or real party of interest, shall not be required to name the Trustee as a Defendant in its foreclosure action.

IT IS FURTHER THE ORDER OF THIS COURT that any deficiency owed by the Debtor(s) to the Creditor, its successors, assigns and/or real party in interest, after foreclosure sale shall be set forth in a Proof of Claim filed by the Creditor, its successors, assigns and/or real party in interest, and shall be subject to the Bankruptcy Code should this bankruptcy continue.

IT IS FURTHER THE ORDER OF THIS COURT that this Order shall retain its effect and validity should this case be converted to a Chapter 13 proceeding, and Creditor shall be able to foreclose its interests in the appropriate Court.


Mark B. McFeeley
U S BANKRUPTCY COURT JUDGE

SUBMITTED BY:

SUSAN C. LITTLE & ASSOCIATES, P.A.

By: S/Electronically Filed 6-8-07

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Bankruptcy of Rebekah Anne Strunk; USBC No. 7 07-10017 MA; GMAC Mortgage Loan no. 0429772577; P/A: 4000
Foxwood Trail SE, Rio Rancho, NM 87124